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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,689	04/01/2004	Kurt Smith	48288.830001.US1	9723

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HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

EXAMINER	
NGUYEN, BINH AN DUC	
ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,689	SMITH ET AL.	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-37,39,40 and 43-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-37,39,40 and 43-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/20/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed July 19, 2005 has been received. According to the Amendment, claims 20, 25, 29, 34, and 35 have been amended; claims 1-19, 38, 41, and 42 have been canceled; and new claims 43-47 have been added. Currently, claims 20-37, 39, 40, and 43-47 are pending in the application. Acknowledgment has been made.

Specification

The amendment filed July 19, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In claims 43-47, the limitations of indexing server and its incorporation with the gaming platform have introduced new matter into the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 43-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 43-47, the limitation of indexing server and its incorporation with the gaming platform have not been disclosed the original disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (5,970,143) in view of DeVito (6,001,065).

Referring to claims 20 and 34, Schneier et al. teaches an apparatus (or system) processing a multiplayer game configured to user biometric input, the apparatus comprising: at least one game platform; the at least one game platform comprising: a multimedia event engine to generate multimedia events based on an event sequence and transmit the multimedia events to at least one display to be viewed by a first group of users (5:44-65); and at least one multimedia event output to transmit multimedia events to the first group of users; at least one biometric signal input to receive biometric information from a second group of users (one of the teams)(4:49-6:3; 22:18-65). Note that, the amended limitation of "the second group of users selected from a group of users consisting of at least one of the first group of users" is interpreted as any player

from the plurality of game players participated in Schneier et al.'s game network (5:8-7:26; 10:49-12:34. Schneier et al. does not explicitly teach the limitations of: an event generation engine, the event generation engine uses the at least one biometric signal input to generate the event sequence (claim 20); and using biometric signal from the biometric sensor to generate an event sequence (claim 34). DeVito, however, teaches an apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces comprising: an event generation engine (10:5-55), the event generation engine uses the at least one biometric signal input to generate the event sequence (abstract; 4:8-65); at least one biometric sensor connected to the at least one biometric signal input (4:35-49; Figs. 1-3, 19); the plurality of biometric sensors corresponds to the number of user (Figs. 4A-4C, 19; 2:6-3:16; 4:21-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide DeVito's apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces to the network gaming of Schneier et al. to enhance reality in network gaming thus attracts more players to the game network.

Referring to claim 21, Schneier et al. teaches at least one server (central computer)(11:56-12:18); and wherein the game platform is a processor selected from a group consisting of an electronic game platform, a computer processor, a desktop computer, a server, a laptop computer, a portable electronic game, a cellular phone, or a PDA (10:6-48).

Referring to claims 22 and 23, Schneier et al. teaches at least one bios input (e.g., fingerprint or voice print data)(24:53-25:5); the bios input is selected from a group consisting of a mouse, a keyboard, and a joystick (10:44-48).

Referring to claims 24, 25, and 32, Schneier et al. teaches at least one biometric sensor connected to the at least one biometric signal input; the at least one biometric sensors (e.g., retina scanner, fingerprint reader) corresponds to the number of the second group of users (22:18-65); and at leas one biometric signal interface between the at least one biometric sensor and the at least one biometric input (22:18-65). Note that, DeVito also teaches at least one biometric sensor connected wirelessly to the at least one biometric signal input (Fig. 19).

Referring to claims 26-28 and 40, Schneier et al. teaches the at least one game platform comprises a plurality of game platforms connected by a network; and the network comprises Internet (10:6-48;12:2-9). Note that the central computer (12) or game platform is considered a server.

Referring to claims 29 and 30, Schneier et al. teaches wherein the game platform further comprises a user identifier, the user identifier identifies the second group of users from the first group of users (team play) (4:49-67; 5:26-65); wherein the second group of users equals the first group of users (team play).

Referring to claim 31, the limitation of "the second group of users selected from a group of users consisting of at least one of the first group of users" is interpreted as any player from the plurality of game players participated in Schneier et al.'s game network (5:8-7:26; 10:49-12:34).

Referring to claims 33 and 39, DeVito teaches the at least one biometric signal interface converts raw biometric information to a biometric signal input usable by the game platform (2:44-55; 10:5-13).

Referring to claim 35, DeVito teaches a processor generates a game score based on biometric input received from the plurality of biometric sensors (2:44-3:16; 4:8-49).

Referring to claims 36 and 37, wherein the processor located in the server (claim 36); and generating game score based on composite of individual game scores (claim 37), the Examiner hereby takes an Official Notice that these limitations are well known in the gaming industry; especially in the network gaming to rearrange grouping of players and totalize game scores from each individual scores in the team.

Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (5,970,143) and DeVito (6,001,065), and further in view of Gustman (5,813,014).

Referring to claim 43, Schneier et al. teaches an apparatus (or system) processing a multiplayer game configured to user biometric input, the apparatus comprising: at least one gaming platform, the at least one gaming platform comprising a multimedia output to display a sequence of multimedia events to at least one user, a bios input to receive bios input from a controller, a biofeedback signal input to receive biometric input from the at least one user, and a multimedia engine to generate the sequence of multimedia events (4:49-6:3; 22:18-65). Schneier et al. does not explicitly

teach at least one biometric sensor attached to the at least one user, the at least one biometric sensor providing coupled to the biofeedback signal input to provide biometric input; and using the biometric input to provide sequence information to the multimedia engine such that the multimedia engine can generate the sequence of multimedia events. DeVito, however teaches an apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces comprising at least one biometric sensor attached to the at least one user, the at least one biometric sensor providing coupled to the biofeedback signal input to provide biometric input (abstract; 4:8-65); and using the biometric input to provide sequence information to the multimedia engine such that the multimedia engine can generate the sequence of multimedia events (Figs. 4A-4C, 19; 2:6-3:16; 4:21-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide DeVito's apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces to the network gaming of Schneier et al. to enhance reality in network gaming thus attracts more players to the game network. Schneier et al. and DeVito do not explicitly teach an indexing server that uses the biometric input to provide sequence information to the multimedia engine so that the multimedia engine can generate the sequence of multimedia events. Gustman, however, teaches a method and apparatus for management of multimedia assets that uses an indexing server (148) (see abstract and Figs. 1A-1F; 5:9-34) to cataloging and managing multimedia data. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the indexing server of Gustman

to the network gaming system, as taught by Schneier et al. and DeVito, to come up with a faster network gaming system that minimizes latency, thus enhance reality of the game and bring more excitement to the game players.

Referring to claims 44-46, wherein the indexing server is incorporated into the at least one gaming platform remotely through a network (claims 44 and 45); and the indexing server is incorporated into one of the plurality of gaming platforms to coordinate the sequence of multimedia events displayed by the plurality of gaming platforms (claim 46), these limitation would from result from the combination of Schneier et al., DeVito, and Gustman as being addressed above.

Referring to claim 47 Schneier et al. teaches the controller comprises at least one of a mouse, a keyboard, or a graphical user interface (10:44-48).

Response to Arguments

Applicant's arguments filed July 19, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Schneier et al. teaches an apparatus (or system) processing a multiplayer game configured to user biometric input comprising at least one game platform; a multimedia event engine to generate multimedia events based on an event sequence and transmit the multimedia events to at least one display to be viewed by a first group of users (5:44-65). Note that, the amended limitation of "the second group of users selected from a group of users consisting of at least one of the first group of users" is interpreted as any player from the plurality of game players participated in Schneier et al.'s game network (5:8-7:26; 10:49-12:34); and DeVito teaches an apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces comprising: an event generation engine (10:5-55), the event generation engine uses the at least one biometric signal input to generate the event sequence (abstract; 4:8-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide DeVito's apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces to the network gaming of Schneier et al. to enhance reality in network gaming thus attracts more players to the game network.

Applicant's arguments with respect to claims 43-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/17/07

ROBERT OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700